



CITY OF SOMERVILLE, MASSACHUSETTS
HEALTH & HUMAN SERVICES DEPARTMENT

JOSEPH A. CURTATONE
MAYOR

DOUGLAS S. KRESS
DIRECTOR



Public Health
Prevent Promote Protect

Official Interpretation of Somerville's Emergency Order Establishing a Moratorium on Eviction

Date: February 15, 2021

Subject: Interpretation of the City of Somerville's Emergency Order Establishing a Moratorium on Eviction Enforcement dated March 25, 2020 and amended on February 1, 2021.

Background/Discussion:

On March 10, 2020, Massachusetts Governor Charlie Baker declared a State of Emergency invoking emergency powers relating to the Coronavirus 2019 ("COVID-19") pandemic. Governor Baker requested that residents stay at home and asked the Department of Public Health to issue a stay-at-home advisory. Legislation was in the process of being filed calling for a state eviction moratorium. This moratorium, entitled "An Act to Guarantee Housing Stability during the COVID-19 Emergency and Recovery" was later passed by the legislature and signed into law by Governor Baker. Eviction moratoria were being issued throughout the country.

On March 28, 2020, Somerville Mayor, Joseph Curtatone, and Douglas Kress, Director of Health and Human Services, issued the "Emergency Order Establishing a Moratorium on Eviction Enforcement" (Emergency Order) in light of the evidence of the serious risks of increased COVID infection spread and death posed by homeless families' and individuals' need to enter congregate homeless shelters or to "couch surf" (move from home to home for short periods of time¹).

Since issuance of the Emergency Order, research on the impact of evictions on public health has confirmed the close connection between housing instability and increased rates of infection and death. In September, 2020 the Center for Disease Control (CDC) issued a much-anticipated regulation published in the Federal Register entitled "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19," halting most evictions federally. The CDC laid out its findings regarding the specific health

¹ See Center for Disease Control and Prevention Order, entitled "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19," 85 Fed. Reg. 55,292 (Sept. 4, 2020), particularly subsections entitled "Eviction and Risk of COVID-19 Transmission" and "Eviction, Homelessness, and Risk of Severe Disease from COVID-19" and citations thereunder for a detailed analysis of the health consequences of displacement during the COVID-19 pandemic. See also 86 Fed. Reg. 8020 (Feb. 3, 2021 CDC Order extending the federal eviction moratorium to March 31, 2021).

and safety risks posed by evictions, tying the prevention of displacement to lower rates of COVID-19 disease and death. More recently these findings have been reinforced by multiple studies including a January, 2021 report by the National Bureau of Economic Research finding that eviction moratoria decreased the overall death rate due to COVID by 11%².

Language of the Emergency Order:

This is an interpretation of the term "resident" in the following language contained in the Emergency Order:

*"Notwithstanding MGL c. 186, MGL c. 239 or any general or special law to the contrary, no landlord or owner shall enforce an eviction **upon a resident of Somerville**, residential or commercial, during this public health crisis." (emphasis added)*

QUESTION:

Was it the intent of the phrase "resident" in the City of Somerville's Emergency Order to apply regardless of the tenancy status?

ANSWER:

The term resident applies to anyone who is occupying the property, regardless of the tenancy status.

The purpose of this emergency measure was to ensure the health and safety not only of the individuals who might otherwise be displaced, but also the health of the community at large.

The intent of the Emergency Order was to prevent the adverse impacts of residential eviction during the active and worsening COVID-19 pandemic. The health impact on the individuals at risk of eviction and the general public does not change based on the tenancy status of the individual involved.

The City also notes that the Center for Disease Control, in its federal eviction moratorium and extension thereof, currently in effect, prohibits, in relevant part, eviction against covered persons which definition includes "any tenant, lessee or resident of a residential property ..." who meets other stated criteria. The CDC moratorium, like the Somerville Emergency Order, distinguishes residents from tenants and lessees and includes all who meet stated criteria, within the scope of its protections.

Respectfully submitted,



Douglas S Kress
Director, Health and Human Services

² *Housing Precarity and the COVID-19 Pandemic: Impacts of Utility Disconnection and Eviction Moratoria on Infections and Deaths Across U.S. Counties*, National Bureau of Economic Research, Kay Jowers, Christopher Timmins, Nrupen Bhavsar, Qihui Hu and Julia Marshall, January 2021.